

M2/1 ULLT



NOTIFICATIONS

CASE#: C15-2017-0005
LOCATION: 1211 Cedar Avenue



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



1" = 123'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Development Services Department

One Texas Center | Phone: 512.978.4000
505 Barton Springs Road, Austin, Texas 78704

**Board of Adjustment
General/Parking Variance Application**

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. ***If more space is required, please complete Section 6 as needed.*** All information is required (if applicable).

For Office Use Only

Case # _____ ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: _____

Subdivision Legal Description:

Lot(s): _____ Block(s): _____

Outlot: _____ Division: _____

Zoning District: _____

I/We _____ on behalf of myself/ourselves as
authorized agent for _____ affirm that on
Month _____, Day _____, Year _____, hereby apply for a hearing before the
Board of Adjustment for consideration to (select appropriate option below):

- Erect Attach Complete Remodel Maintain Other: _____

Type of Structure: _____

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

I contend that my entitlement to the requested variance is based on the following findings:

Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:

Hardship

a) The hardship for which the variance is requested is unique to the property in that:

b) The hardship is not general to the area in which the property is located because:

Area Character

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

Parking (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: _____ Date: _____

Applicant Name (typed or printed): _____

Applicant Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 4: Owner Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature: _____ Date: _____

Owner Name (typed or printed): _____

Owner Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: _____

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).



**Development Services Department
Land Status Determination
Legal Tract Platting Exception
Certification**

May 19, 2016

File Number: **C8I-2016-0132**

Address: **1211 CEDAR AVE**

Tax Parcel I.D. **#0208110613**

Tax Map Date: **06/01/2015**

The Development Services Department has determined that the property described below and as **shown on the attached tax map**:

Is a **LEGAL TRACT** consisting of the **North 13.67 Feet of Lot 11, Block 24, Glenwood Addition to East Austin**, created prior to **Mar 14, 1946** (Grandfather Date) as evidenced by deed recorded in Volume **741**, Page **137** of the **Travis** County Deed Records on **Apr 25, 1944** being the same property as currently described in deed recorded in **Document #2015105559** of the **Travis** County Deed Records on **Jul 3, 2015** and is eligible to receive utility service.

Additional Notes/Conditions:

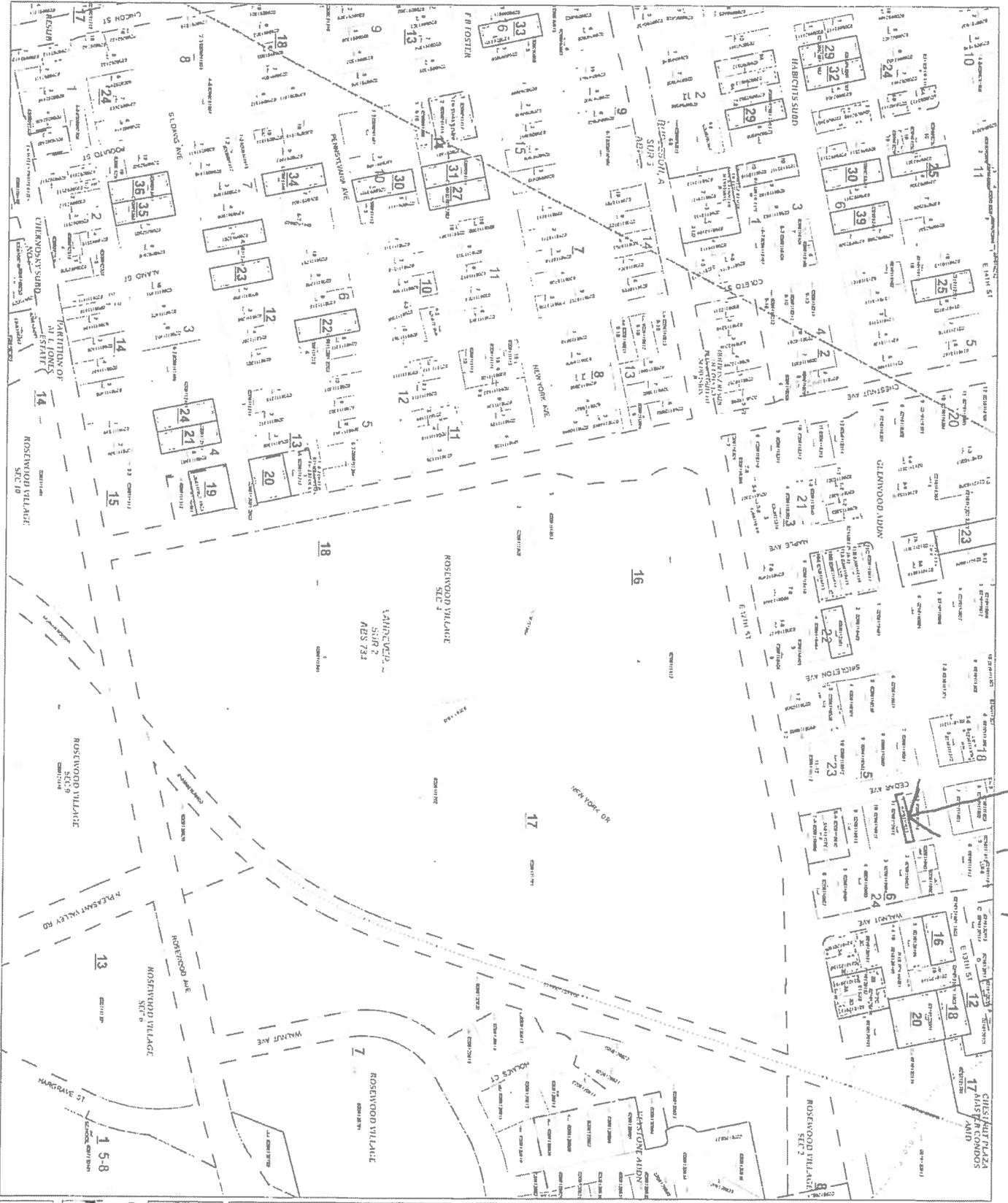
NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivision and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: *Michelle Casillas*

**Michelle Casillas, Representative of the Director
Development Services Department**

Map Attachment



Property

20811

Revision Date:
6/1/2015

0
120
Feet

20001
20002
20003
20004
20005
20006
20007
20008
20009
20010
20011
20012
20013
20014
20015
20016
20017
20018
20019
20020
20021
20022
20023
20024
20025
20026
20027
20028
20029
20030
20031
20032
20033
20034
20035
20036
20037
20038
20039
20040

NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet
Projection Lambert_Conformal_Conic

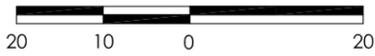


This map was compiled solely for the use of TCAD. Areas depicted by these digital products are approximate and are not necessarily accurate to mapping surveying or engineering standards. Conclusions drawn from this information are the responsibility of the user. The TCAD makes no claims, promises or guarantees about the accuracy, completeness or adequacy of this information and expressly disclaims liability for any errors and omissions. The mapped data does not constitute a legal document.

Travis Central Appraisal District
8314 Cross Park Drive P.O. Box 149012
Austin, Texas 78754 Austin, Texas 78714
Internet Address: www.traviscad.org
Main Telephone Number: (512) 834-8317
Appraisal Information: (512) 834-9318
TDD: (512) 836-3328



SCALE: 1" = 20'
GRAPHIC SCALE



LEGEND

- 1/2" IRON ROD FOUND (OR AS NOTED)
- IRC 1/2" IRON ROD WITH UNREADABLE CAP FOUND
- "A.S." 1/2" IRON ROD WITH "ALL-STAR" CAP FOUND
- ⊙ IPF IRON PIPE FOUND (SIZE NOTED)
- ⊗ X IN CONC. FOUND
- ⊕ CONTROL POINT/BENCHMARK LOCATION
- OU- OVERHEAD UTILITIES
- ⊠ GAS UTILITY
- ⊙ CLEANOUT
- //— EDGE OF PAVEMENT
- CHAIN LINK FENCE
- //— WOOD FENCE
- P.O.B. POINT-OF-BEGINNING
- R.O.W. RIGHT-OF-WAY
- () RECORD INFORMATION

OWNER:
WENKAI CHEN
ADDRESS:
1211 CEDAR AVENUE
AUSTIN, TX 78702

JOB: 066-001

LEGAL DESCRIPTION:

0.0366 ACRE (APPROX. 1594 SQ. FT.)
BEING ALL OF THE NORTH 13.67 FEET OF LOT 11, BLOCK 24,
OUTLOT 32&33, DIVISION B, GLENWOOD ADDITION, A
SUBDIVISION OF RECORDED IN VOLUME 2, PAGE 154 OF THE PLAT
RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO WENKAI
CHEN IN A CONSTABLE'S DEED DATED JUNE 29TH, 2015,
RECORDED IN DOCUMENT NO. 2015105559 OF THE OFFICIAL
PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

NOTE ON ZONING/SETBACKS:

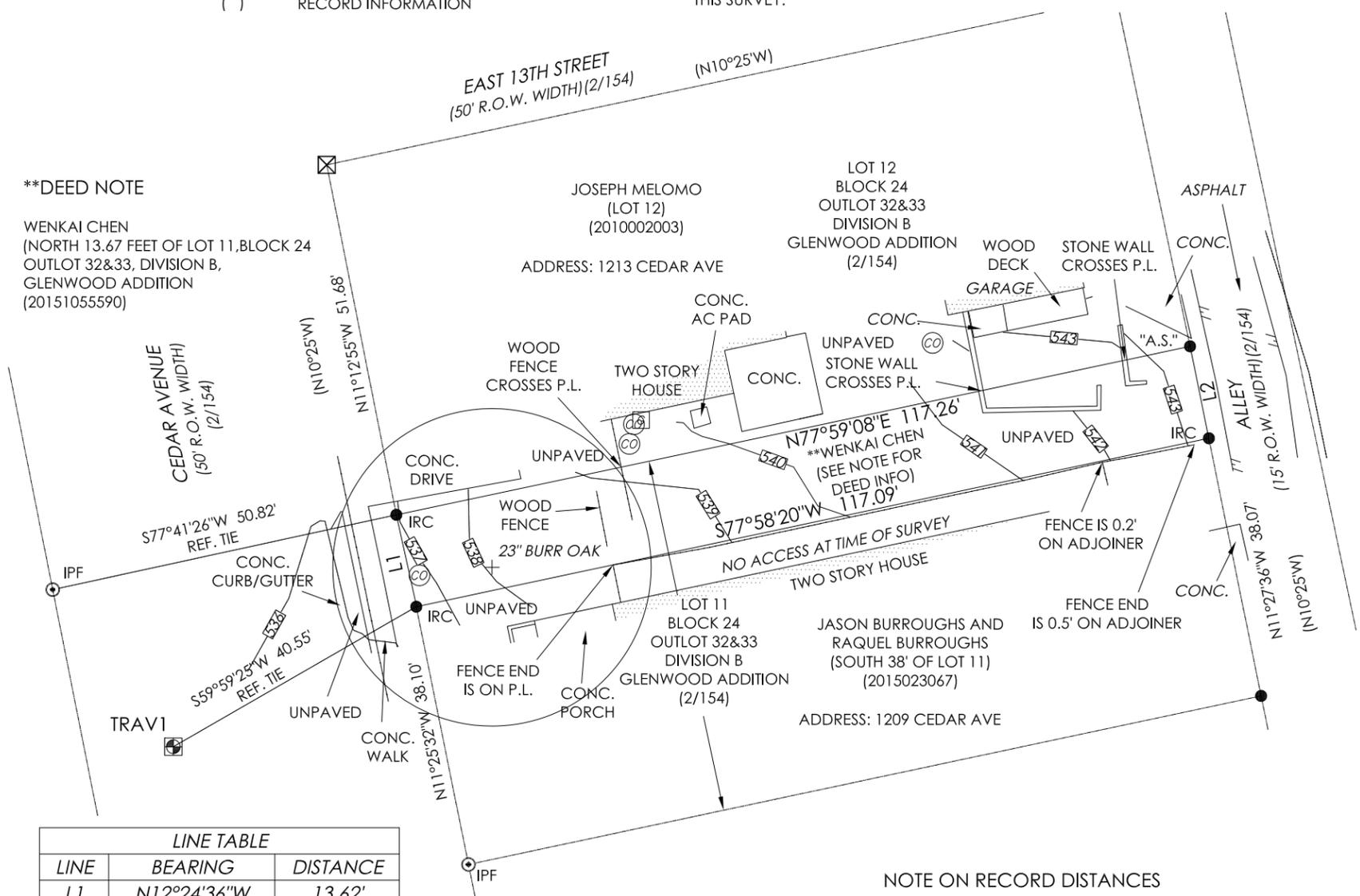
THE SUBJECT TRACT APPEARS TO BE WITHIN AN AREA ZONED SF-3-NP. PER THE APPROVED SCOPE OF THE SURVEY, THE SURVEYOR DOES NOT RESEARCH NEIGHBORHOOD PLANS, AND DOES NOT SHOW ZONING SETBACKS IN AREAS WITH NP DESIGNATION UNLESS PROVIDED BY OTHERS. THE LACK OF ZONING SETBACKS SHOWN DOES NOT IMPLY THAT SETBACKS PER ZONING DESIGNATION DO NOT EXIST. SURVEYOR ADVISES THAT SETBACKS BE DETERMINED BY A ZONING DEPARTMENT OFFICIAL AT THE CITY OF AUSTIN, AND THE INFORMATION FORWARDED TO THE SURVEYOR TO BE PLACED ON THE SURVEY.

TITLE COMMITMENT NOTE:

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMMITMENT FOR TITLE, AND MAY BE SUBJECT TO ADDITIONAL EASEMENTS OR RESTRICTIONS NOT SHOWN HEREON. NO ADDITIONAL EASEMENT RESEARCH WAS DONE FOR THE PURPOSE OF THIS SURVEY.

****DEED NOTE**

WENKAI CHEN
(NORTH 13.67 FEET OF LOT 11, BLOCK 24
OUTLOT 32&33, DIVISION B,
GLENWOOD ADDITION
(20151055590)



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N12°24'36"W	13.62'
L2	S11°27'36"E	13.59'

NOTE ON RECORD DISTANCES

THE LOTS WITHIN THIS BLOCK ARE SHOWN TO BE 117' X 51.67' ON THE PLAT OF RECORD (2/154).

FLOOD-PLAIN NOTE:

The tract shown hereon lies within Zone "X" (areas determined to be outside the 0.2% annual chance floodplain), as identified by the Federal Emergency Management Agency, National Flood Insurance Program, as shown on map no. 48453C0465J, dated January 6, 2016, for Travis County, Texas and incorporated areas. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. This flood statement shall not create liability on the part of the surveyor.

ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON GPS OBSERVATION FROM COA MONUMENTS L-23-4001 AND CB34.

TRAV 1
MAG NAIL W/WASHER SET IN ASPHALT

TEXAS STATE PLANE COORDINATES:
N 10073697.81
E 3123582.79
ELEVATION = 535.05' (NAVD88)

ELEVATIONS SHOWN ARE BASED ON GPS DIFFERENTIAL LEVELING TO COA PUBLISHED DATA FOR COA MONUMENT REFERENCE L-23-4001, HAVING COORDINATE VALUES OF N=10073751.58 AND E=3125267.29, WITH PUBLISHED ELEVATION OF 528.94'

COMBINED SCALE FACTOR = 0.99994017
(FOR SURFACE TO GRID CONVERSION)

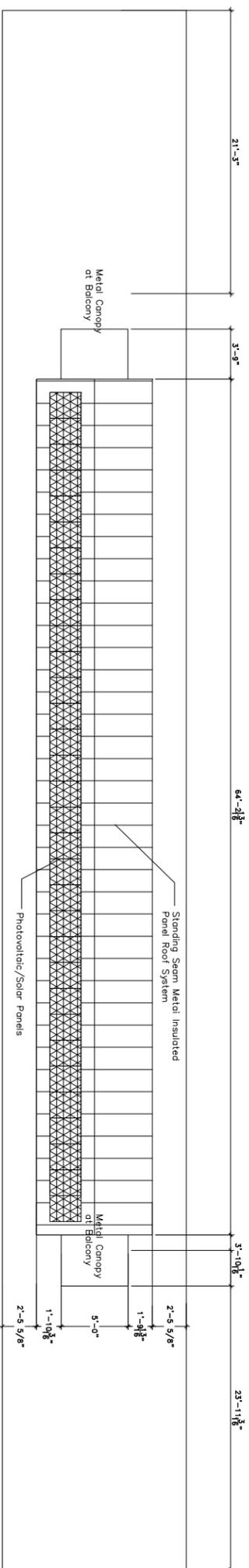
SCALED ABOUT 0.0
THETA ANGLE: 01°21'08"

SURVEYOR'S CERTIFICATE:

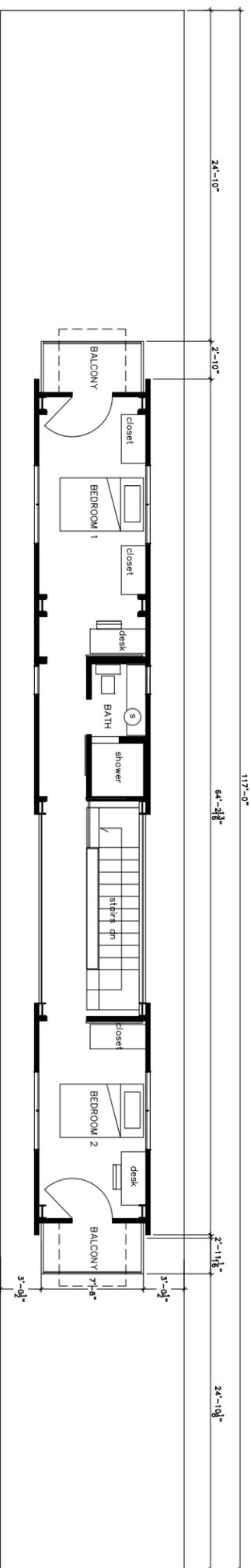
DATE OF SURVEY:

I hereby certify that a survey of the property shown hereon was actually made upon the ground under my direction and supervision on the date shown. This survey was made substantially in accordance with the standards and conditions set forth for a Category 6, Condition I, Topographic Survey, based on the Manual of Practice for Land Surveying in Texas, 2006 Revised Eleventh Edition, prepared by the Texas Society of Professional Surveyors.

Curtis W. Watts Date of Survey
Registered Professional Land Surveyor
State of Texas No. 6614

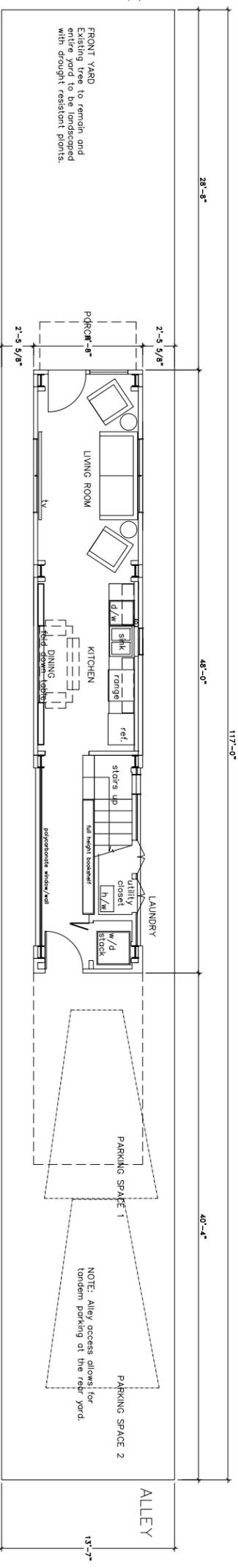


ROOF Plan



TOP Floor

Square footage/Area: 540 sq.ft.



GROUND Floor

Square footage/Area: 446 sq.ft.

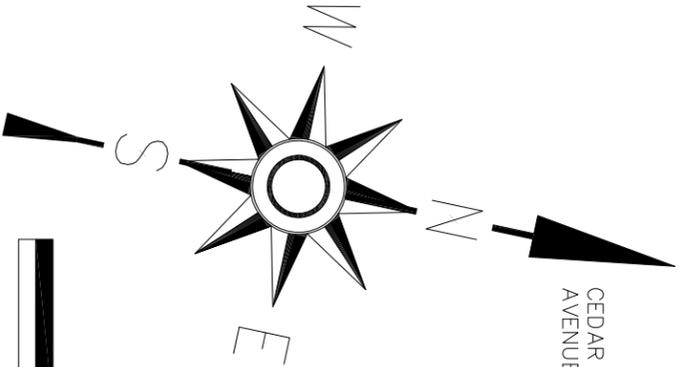
364

SCALE: 1" = 20'

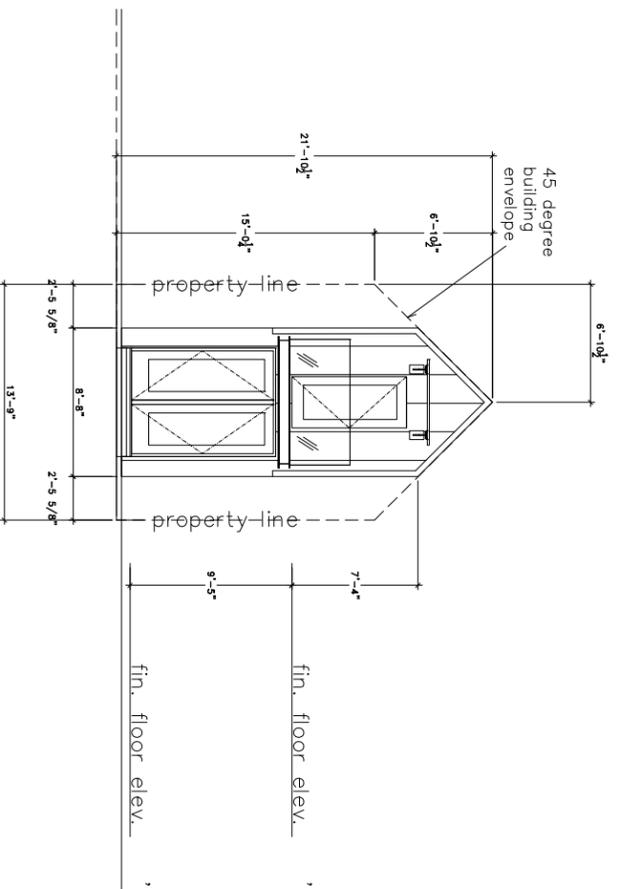
GRAPHIC SCALE



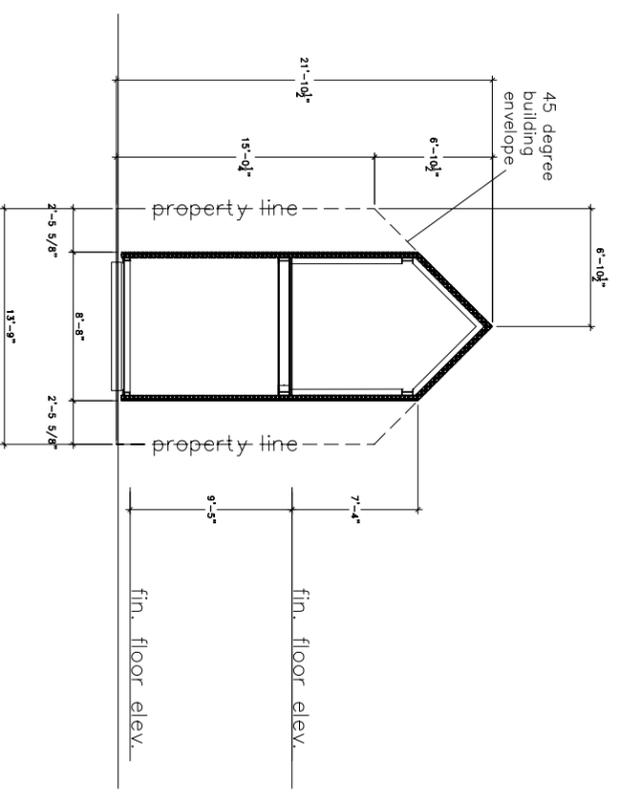
- Front Porch: 3
- 42 container
- Between Car and building: 3
- Car length: 34
- Total: 82 feet



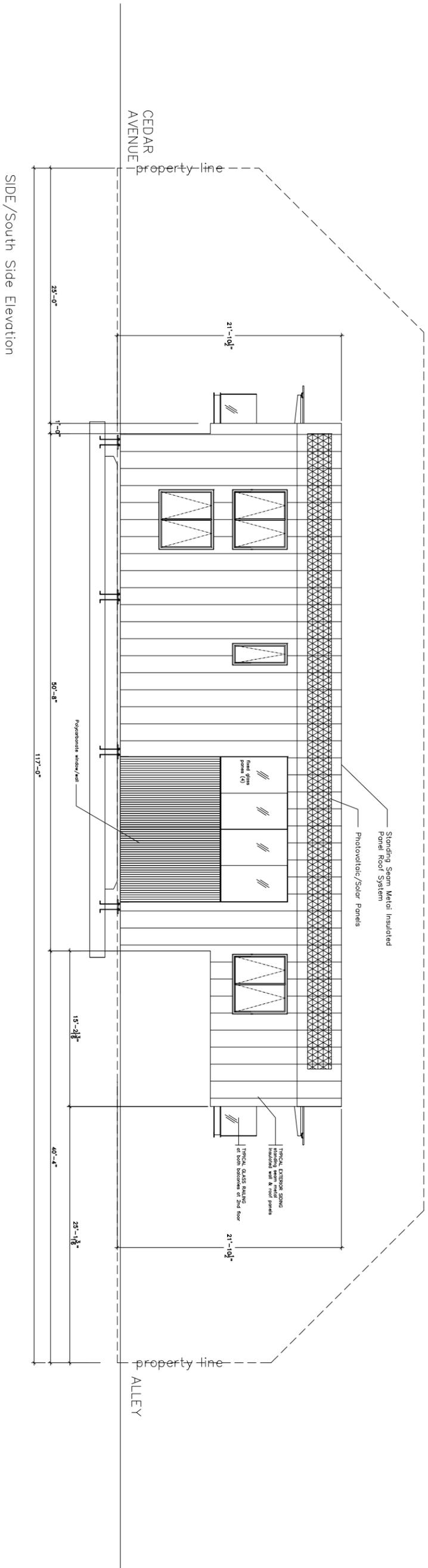
CEDAR AVENUE

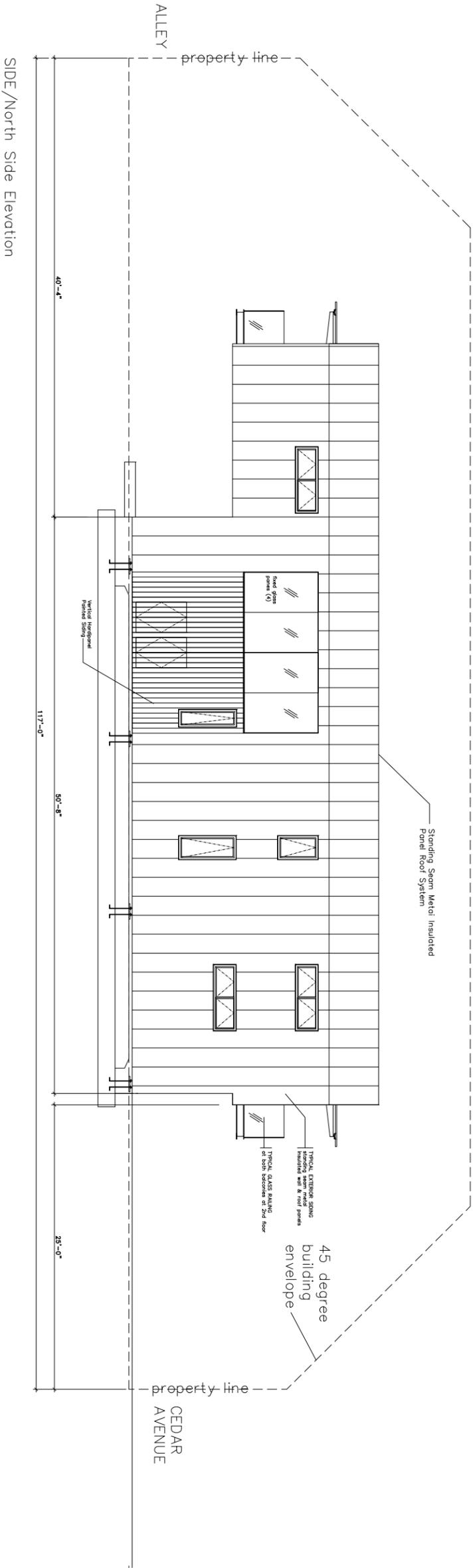


FRONT/West Side Elevation

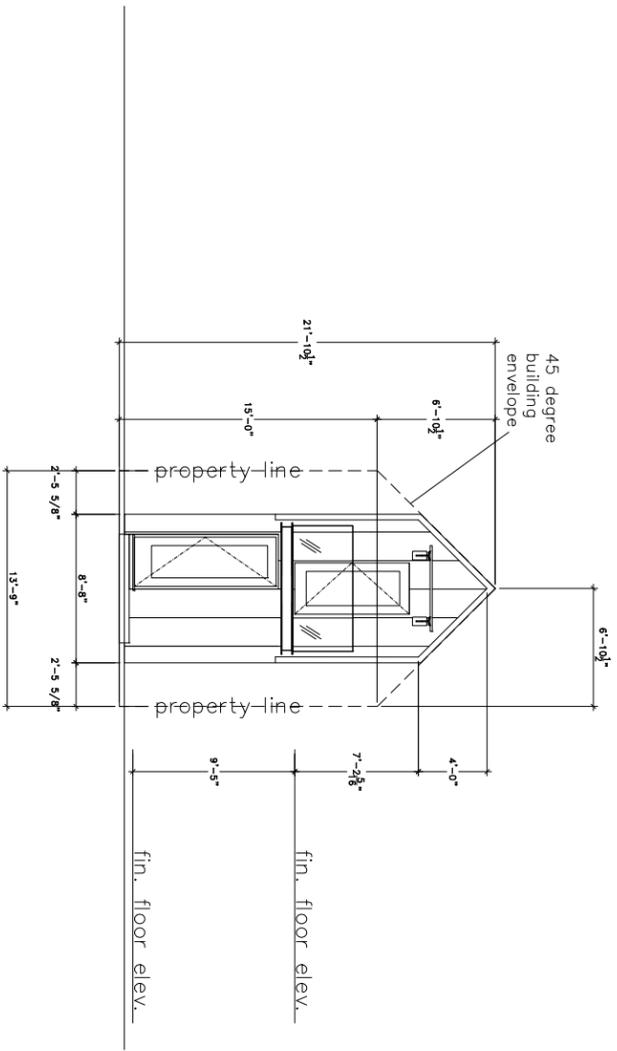


Section BB inside typ. column bay

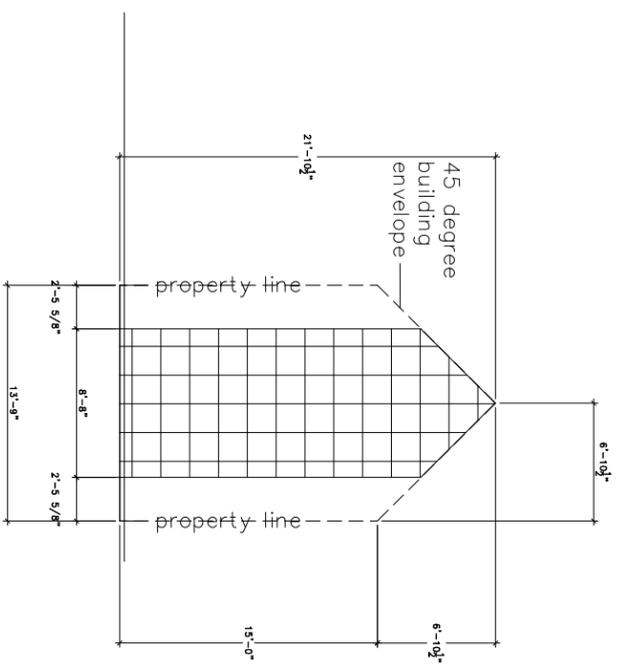


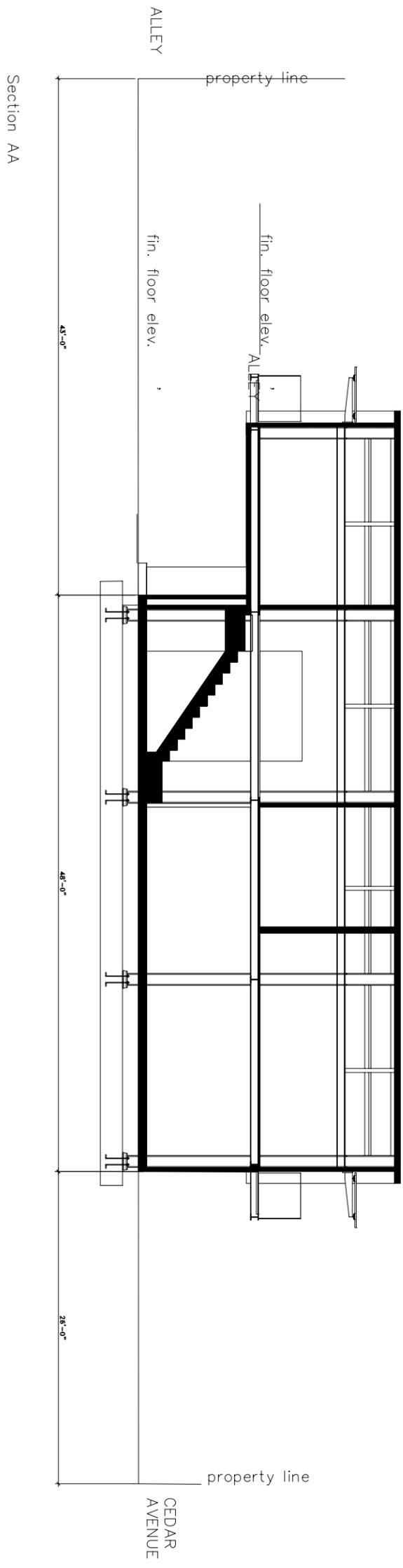


REAR/East Side Elevation



45 Degree Envelope











M2/20



M2/21



M2/22







M2/25

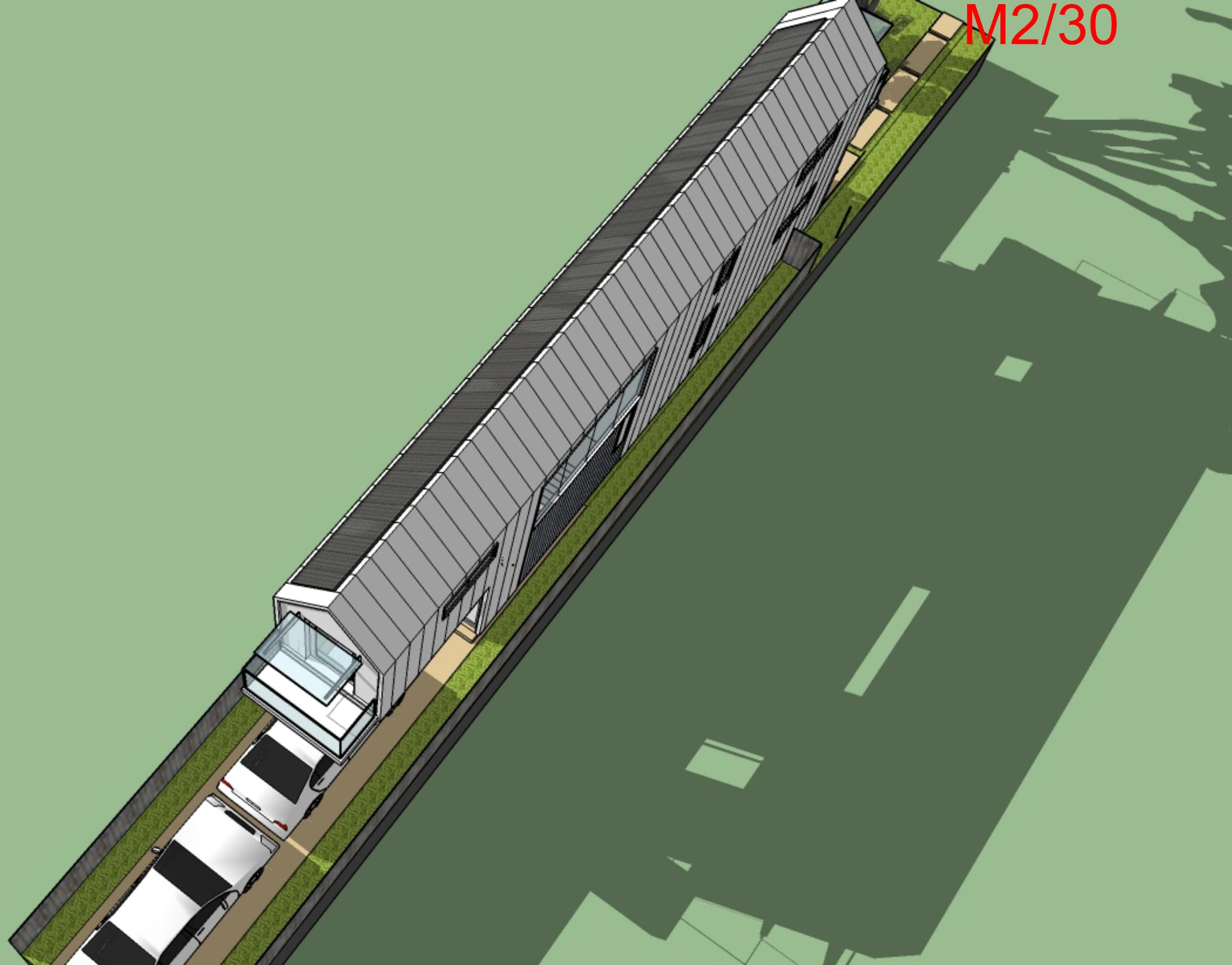


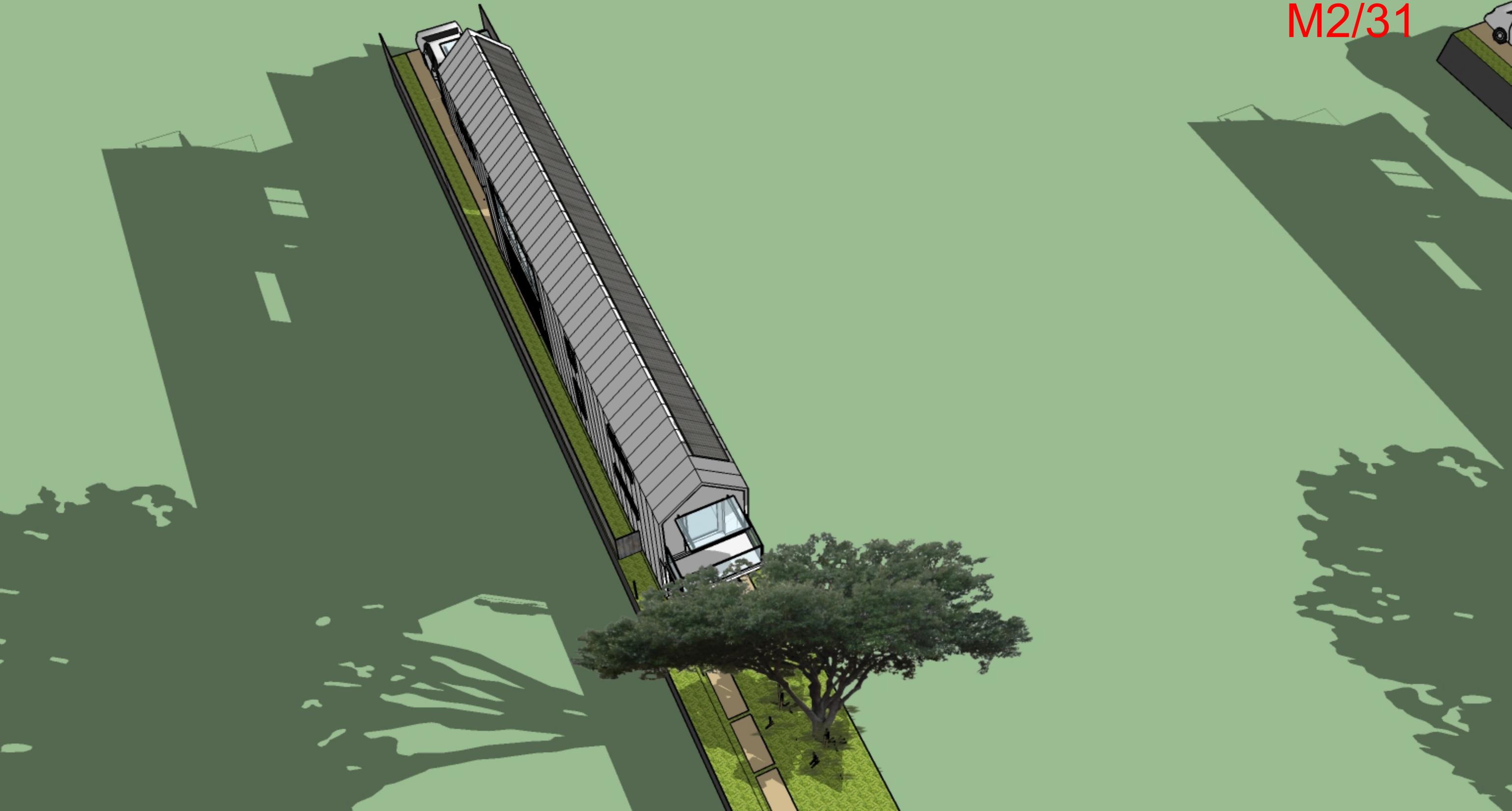


















1211 Cedar Avenue, Austin 78702

Land Use Proposal

April 2017

☐ Purpose:

To seek the granting of three variances in order to erect a single family residence located at 1211 Cedar Avenue. All three variances arise due to the property's existing hardships.

1. Minimum Lot Size	(required 2500 sq. ft.)	(proposed 1,594 sq. ft.)
2. Minimum Lot Width	(required 25 ft)	(Proposed 13.6 ft)
3. Minimum Setbacks - Interior Side Yard	(required 5')	(proposed 2'-5 5/8")

☐ Description of land parcel (per property record)

0.0367 acres, 1,599.39 Sqft,

13.67 Eff Front, 117.00 Eff Depth

North 13.67 feet of Lot 11, Block 24, Glenwood Addition to East Austin. Plat Np. 2/154 as described in Volume 6708, Page 819 of the deed records of Travis County, Texas.

☐ Description of the proposed structure:

Two stories single family residential structure approximately 904 sqft of living space.

- First Floor: 364 sqft
- Second Floor: 540 sqft

☐ Key Features for the proposed structure:

- Small, architectural appealing
- Green – recycle used containers
- Minimum impact to the neighborhood
- Improve the density of the area yet avoiding monster buildings

Travis CAD Map related to the property:



Standard for SF-3 vs. Proposed – Quick Comparison

Site Development Standards

Lot		Massing	
Minimum Lot Size	5,750 sq ft	Maximum Height	35 ft
Minimum Lot Width	50 ft	Minimum Setbacks	
Maximum Units Per Lot	1	Front yard	25 ft
Maximum Building Coverage	40%	Street side yard	15 ft
Maximum Impervious Cover	45%	Interior side yard	5 ft
		Rear yard	10 ft

Lot		Massing	
Minimum Lot Size	1594 sq ft	Maximum Height	21.875 ft
Minimum Lot Width	13.6 ft	Minimum Setbacks	
Maximum Units Per Lot	1	Front Yard	25 ft
Maximum Building Coverage	39.5%	Street side yard	25 ft
Maximum Impervious Cover	44.8%	Interior side yard	2.47 ft
		Rear Yard	10 ft

Building Key Measurements (Complies):

1. MAXIMUM HEIGHT
Required: 35 ft.
Proposed: 21'10.5"
Complies
2. TWO PARKING LOTS
Required: 2 spaces
Proposed: 2 spaces (open parking)
Complies
3. MINIMUM SETBACKS:
 - Front yard
Required: 25 ft.
Proposed: 25 ft.
Complies
 - Rear Yard
Required: 10 ft.
Proposed: 10 ft.
Complies

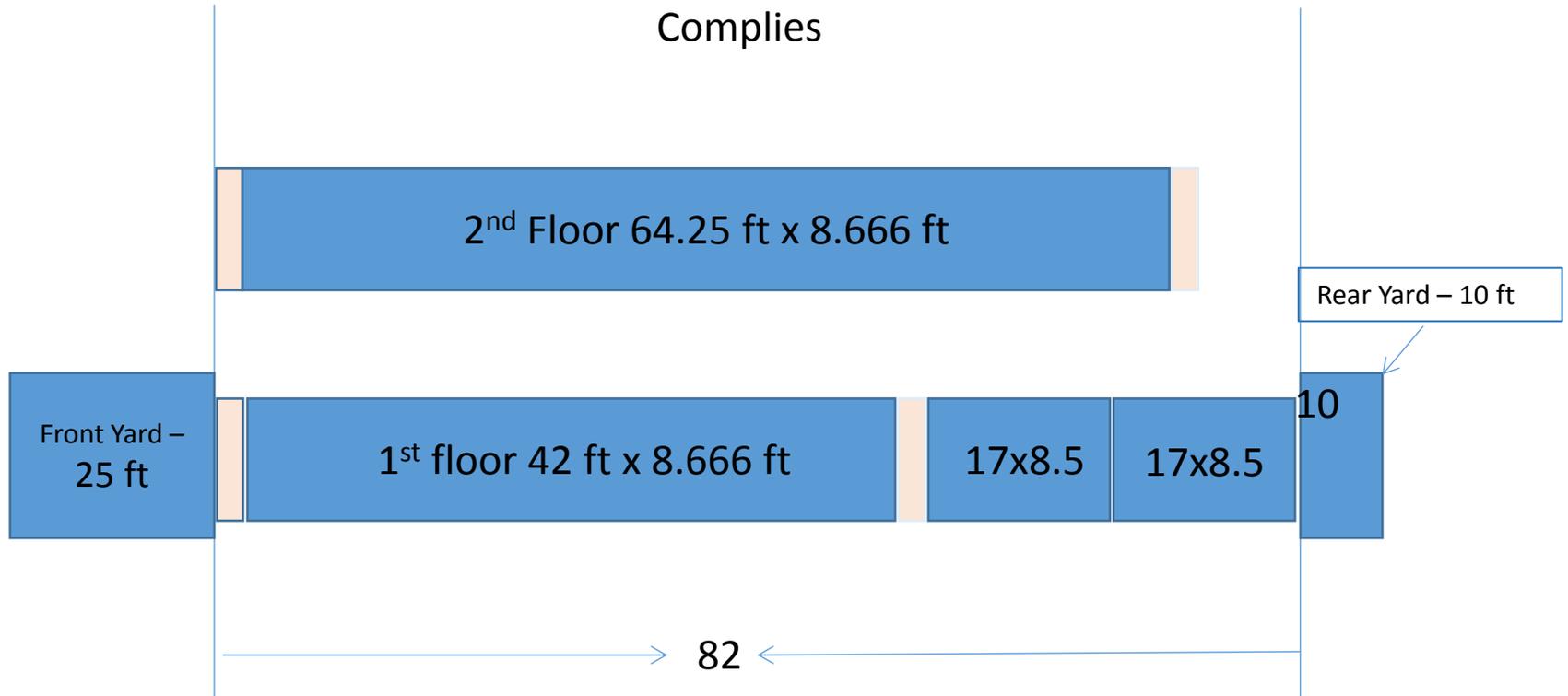
M2/40

4. Maximum Building Coverage

Required: 40%

Proposed: 39.5% $((557+44+29)/1594=39.5\%)$

Complies



Lot Area:

1594 SQ.FT.

First Floor Building Footprint:

364 SQ.FT (42 x 8.666)

2nd Floor building Area:

557 SQ.FT (64.25 X 8.666)

Front Porch:

44 SQ.FT .

Rear Porch:

29 SQ.FT .

Rear Driveway/Parking Area:

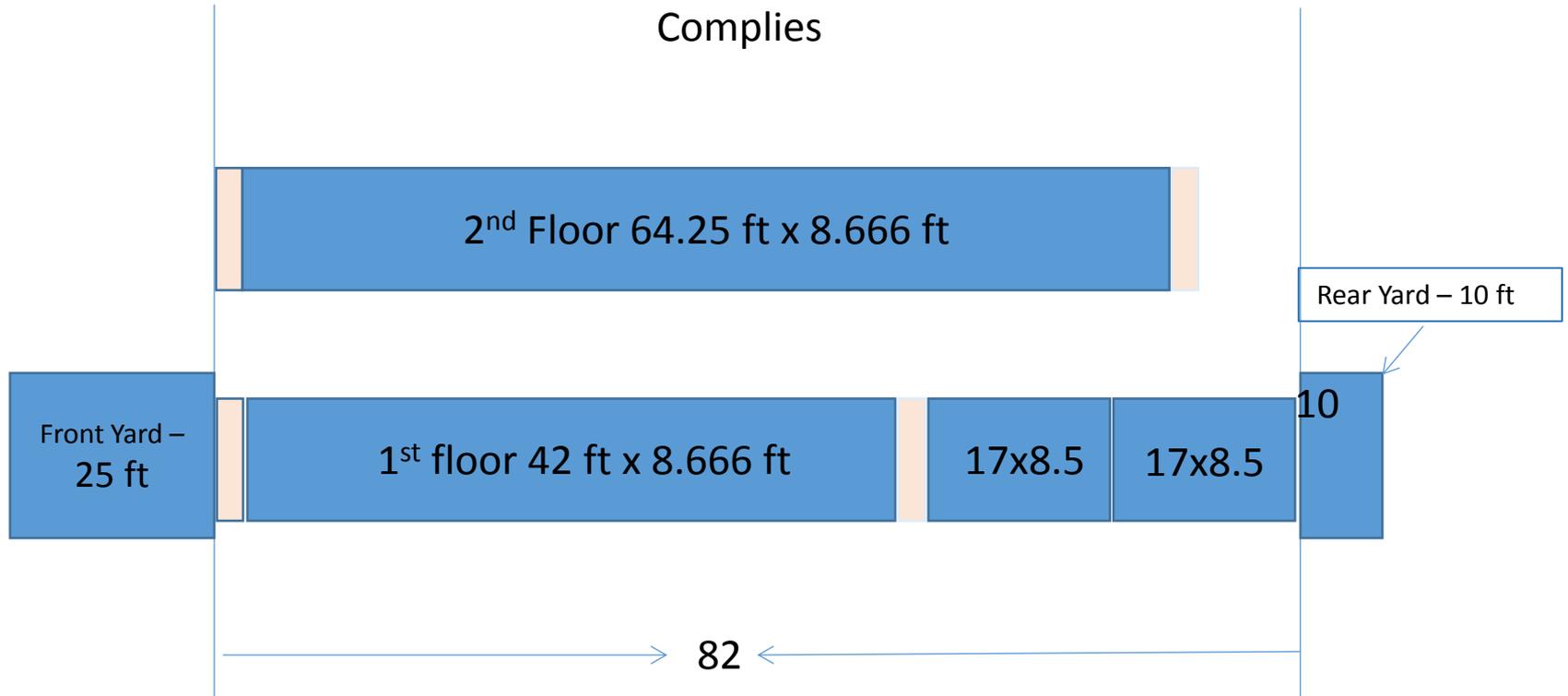
289 SQ.FT .

Impervious Coverage Area:

710.7 SQ.FT.

5. IMPERVIOUS COVERAGE

Required: 45%
Proposed: 44.6%
Complies



Lot Area:	1594 SQ.FT.
First Floor Building Footprint:	364 SQ.FT (42 x 8.666)
2 nd Floor building Area:	557 SQ.FT (64.25 X 8.666)
Front Porch:	44 SQ.FT .
Rear Porch:	29 SQ.FT .
Rear Driveway/Parking Area:	289 SQ.FT .
Impervious Coverage Area:	710.7 SQ.FT.

Building Key Measurements (variances)

6. MINIMUM LOT SIZE: Required: 2,500 sq ft
Existing: 1,594 sq ft
VARIANCE REQUIRED

7. MINIMUM LOT WIDTH: Required: 25 ft
Proposed: 13.6 ft
VARIANCE REQUIRED

8. Minimum Setbacks - Interior Side Yard:
Required: 5 ft
Proposed: 2'- 5.625"
VARIANCE REQUIRED

- These hardships are unique to the property
- The hardship is not general to the area in which the property is located.
- The variances will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the zoning regulations of the zoning district in which the property is located.

M2/43

Current View of the property

Front



Yard



Future View of the property

M2/44



Front



Back

Future To-Be Satellite View – modeled



Front Satellite View



Back Satellite View



Future To-Be Satellite View -- modeled



REVIEWED
By Eben Kellogg at 9:50 am, Oct 12, 2016

APPROVED BY
AUSTIN ENERGY
FOR BOA

DATE: 



Questions?

Heldenfels, Leane

From: Jason Burroughs [REDACTED]
Sent: Tuesday, January 24, 2017 10:33 AM
To: Heldenfels, Leane
Subject: Opposition letter to 1211 Cedar Avenue

Hi Leane, I wrote this quickly and may revise it if I have time, but I will be traveling and may not have time. Here is my letter in protest to the variances for 1211 Cedar Avenue:

To whom it may concern,

In February 2015, I purchased the home at 1209 Cedar Avenue, a 38' wide lot in a neighborhood of 50' wide lots. I was not informed by the real estate agent, the seller, or the title company that there was another 13 feet that had been sliced off in approximately 1930 and sold separately, but I learned this a few months after moving it.

I soon discovered that the owners were deceased, had not paid taxes in ten years, and that the tax value had increased drastically due to no protests. I learned that it was going up for auction due to unpaid taxes, and went to the courthouse steps to attempt to purchase it for the taxes due of \$10,800 in June 2015. Since we have no yard other than 5 feet of gravel on each side, I felt this would be a great addition to our family's space, with room for our son and dog to play, and someday to build a mother-in-law suite in the back.

I was very disappointed to be outbid immediately by two speculators, who bid it up to over \$19,000, despite my explanation that it was a tiny strip of land that couldn't be built on. The speculator ignored me and purchased the property, and then called me to introduce herself as my "neighbor".

I explained the situation to her, and she offered to sell it to me for \$100,000, saying that I must really want the property badly. Then she brought her father, her son, and other people to measure things, and to explain to me that she wanted to build something on it. She claimed to want to build a "tiny house" for her son while he was in college, but my research showed that he was already into his college career and would be unlikely to live there during his time at UT, based on usual construction cycles.

When I pointed out to her that there is a beautiful 200 year old tree in the front yard, she went to the city to have it cut down, which they refused. When I explained to her about my hopes for the property, she told me I should move to the suburbs. She was extremely condescending about the property and my family's situation, and refused to consider my offer of \$10,000 or anything else I mentioned to try and work something out.

Without telling me, she went to the Chestnut neighborhood board meeting in the summer 2016 and requested their support for a number of variances to build some kind of container home. They contacted me and I explained the situation, resulting in the board opposing the variances and the project.

She showed up at my house unexpectedly multiple times in the fall, and tried to get me to fill out a document on the spot explaining why I was opposed to the project. She showed me her plans which are for an unbelievably large double stack of old shipping containers, which would be approximately 1200 square feet - larger than any common definition of a "tiny home" which she is attempting to cloak her project in. I obtained this calculation from taking her variance request to go to 75% of the square footage of the lot, but I could be mistaken.

I explained to Ms. Chen that I would not want a 15-20 foot tall steel wall only 7 feet from my house, and neither would the other neighbor, and refused to fill out her paperwork.

I reviewed the plans and the variances, and wish to file my strong opposition to this project. Ms Chen owns a number of low end properties and I believe she is looking to buy and flip a property in the east Austin area to maximize her profits. The development she is considering is out of character with the neighborhood and would require significant compromises in the quality of life of both my family and the neighbor. It would endanger or eliminate a wonderful heritage tree and violate far too many building codes and norms. It would be a terrible precedent to set by allowing such a tiny lot to have a home built on it.

Were this lot the same square footage (1600 sqft) and a different configuration - perhaps 40x40 - I could see considering a tiny home. As an environmentalist and urban dweller, I truly appreciate having different options for different types of families to live in urban Austin. But this lot is not an urban planning experiment - it is a tiny slice of my lot (Lot 11) that was somehow split off decades ago, and has no place as a homestead or investment vehicle as a standalone property.

To my knowledge, Ms Chen is requesting the following variances:

1. Minimum lot size - from 2500 to 1600 square feet. This is 36% smaller than the minimum, far too great a variance to consider.
2. Minimum setbacks - from 5' down to 2' in some areas. Our home has 5' setbacks, which would put us 7' from anything built there. The neighbors at 1213 are, I believe, grandfathered in to an even smaller setback, due to the way the house was built years ago. So this 2' setback is absolutely too small for our quality of life.
3. FAR - from 40% to 73%. She would like to build almost double the allowable size. I believe this is a clear McMansion violation and should not be allowed
4. 45 degree side envelope - another McMansion violation.
5. Side wall articulation - from 36' to 40'. This approximately 10% deviation would not be so serious if it were the one and only request for variance. But taken in context with the other variances requested, is unacceptable.

Thank you for your time and consideration,

Jason Burroughs